UNITED STATES DISTRICT COURT WESTERN DISTRICT OF NORTH CAROLINA CHARLOTTE DIVISION DOCKET NO. 3:18-cv-00481-FDW-DCK

LAUREN SWARINGER,)	
Plaintiff,)	
vs.)	
PSA AIRLINES, INC.,)	ORDER
Defendant.)	
	<i>)</i>	

THIS MATTER is before the Court on Defendant PSA Airlines, Inc.'s Motion to Dismiss (Doc. No. 5) pursuant to the Federal Rules of Civil Procedure 12(b)(1) and 12(b)(6) and Local Rule 7.1. Because Plaintiff appears *pro se*, the Court issued a <u>Roseboro</u> notice (Doc. No. 9) informing Plaintiff of the burden she carries in responding to Defendant's Motion. Despite the Court's issuance of a <u>Roseboro</u> notice allowing Plaintiff additional time to respond, Plaintiff has not responded or otherwise objected to the motion, and the time for doing so has expired. For the reasons stated in the motion and supporting memorandum, Plaintiff's Complaint is DISMISSED WITHOUT PREJUDICE to refile with sufficient facts to establish subject matter jurisdiction and state a claim upon which relief can be granted.

IT IS THEREFORE ORDERED that Defendant's Motion to Dismiss (Doc. No. 5) is GRANTED.

IT IS SO ORDERED.

¹ The Court notes that after Defendant filed its Motion to Dismiss in this case, Plaintiff filed another lawsuit alleging the same factual basis in her Complaint (See No. 3:18-cv-00531-FDW-DCK). It does not appear to the Court that Plaintiff filed an Amended Complaint in response to Defendant's Motion to Dismiss.

Signed: October 23, 2018

Frank D. Whitney Chief United States District Judge